

**Agreement between the Government of the United States of America
and the Government of the Republic of Cape Verde regarding the
Surrender of Persons to International Tribunals**

The Government of the United States of America and the Government of the Republic of Cape Verde, hereinafter "the Parties,"

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Considering that the Parties have each expressed their intention to, where appropriate, investigate and prosecute war crimes, crimes against humanity, and genocide alleged to have been committed by their respective officials, employees, military personnel, and nationals,

Hereby agree as follows:

1. For purposes of this Agreement, "persons" are current or former Government officials, employees (including contractors), or military personnel or nationals of one Party.
2. Persons of one Party present in the territory of the other shall not, absent the express consent of the first Party,
 - (a) be surrendered or transferred by any means to any international tribunal for any purpose, unless such tribunal has been established by the United Nations Security Council, or
 - (b) be surrendered or transferred by any means to any other entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to any international tribunal, unless such tribunal has been established by the United Nations Security Council.
3. When the Government of the United States of America extradites, surrenders, or otherwise transfers a person of the Republic of Cape Verde to a third country, the Government of the United States of America will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless such tribunal has been established by the United Nations Security Council, absent the express consent of the Government of the Republic of Cape Verde.

4. When the Government of the Republic of Cape Verde extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Cape Verde will not agree to the surrender or transfer of that person by the third country to any international tribunal, unless such tribunal has been established by the United Nations Security Council, absent the express consent of the Government of the United States of America.

5. This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force. It will remain in force until one year after the date on which one Party notifies the other of its intent to terminate this Agreement. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

Done at Washington, in duplicate, on the sixteenth day of April, 2004, in the English language. A Portuguese language text shall be prepared which shall be considered authentic upon an exchange of diplomatic notes confirming its conformity with the English language text. In case of differences of interpretation, the English language text shall prevail.

FOR THE GOVERNMENT
OF THE UNITED STATES
OF AMERICA:



FOR THE GOVERNMENT
OF THE REPUBLIC OF
CAPE VERDE:

